United Nations A/C.6/59/SR.8

General Assembly
Fifty-ninth session

Official Records

Distr.: General
24 January 2005

Original: English

## Sixth Committee

**Summary record of the 8th meeting**
Held at Headquarters, New York, on Tuesday, 19 October 2004, at 10 a.m.

*Chairman:* Mr. Bennounna ..... (Morocco)
*later:* Mr. Diaz Paniagua (Vice-Chairman) (Costa Rica) ..... (Costa Rica)

## Contents

Agenda item 148: Measures to eliminate international terrorism (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

04-56071 (E)

*The meeting was called to order at 10.10 a.m.*

**Agenda item 148: Measures to eliminate international terrorism** (*continued*) (A/59/37, A/59/210 and Corr.1, and A/59/383-S/2004/758; A/C.6/59/L.10)

1. **Mr. Devamany** (Malaysia) said that his delegation aligned itself with the statements made on behalf of the Organization of the Islamic Conference and the Association of Southeast Asian Nations (ASEAN), respectively.

2. The increase in international terrorism necessitated the adoption of adequate international measures. However, the war against terrorism could not be won unless the root causes were identified and addressed, including foreign occupation, injustice, exclusion, poverty and economic disparity. International efforts should be impartial and objective, in accordance with the Charter of the United Nations, the principles of international law and the United Nations conventions on terrorism and the protocols thereto. Malaysia welcomed efforts by Member States to strengthen their legislative frameworks to curtail terrorism, including through the imposition of financial regulations and border controls. Malaysia was committed to such strategies, and further believed that efforts should be focused on prevention, as well as on timely and effective exchanges of information and intelligence among law enforcement authorities.

3. Malaysia had amended its Penal Code to make the commission and financing of terrorist acts and the taking of hostages offences under its domestic law, and had enacted the Anti-Money-Laundering Act in 2001. Recent legislation provided for mutual assistance in criminal matters on the basis of bilateral or multilateral agreements, and discussions were under way with other members of ASEAN with a view to concluding a treaty along similar lines. Further, Malaysia already cooperated in several bilateral or multilateral arrangements to combat terrorism. It was already a party to five United Nations conventions on terrorism. It also participated in the review of counter-terrorist conventions elaborated by the International Atomic Energy Agency and the International Maritime Organization.

4. Malaysia had been participating actively in the efforts to finalize the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism; it strongly supported the elaboration of both instruments as a complement to the 12 existing conventions on international terrorism. Malaysia was seriously concerned by the ever-present danger of nuclear terrorism and was taking the necessary measures to comply with Security Council resolution 1540 (2004). It continued to believe that the most effective way of preventing the catastrophic consequences of nuclear terrorism was the total elimination of nuclear weapons.

5. **Mr. Gallegos Chiriboga** (Ecuador) said that his delegation aligned itself with the statement delivered by Brazil on behalf of a group of Latin American countries. It wished to emphasize its unreserved support for all initiatives and actions to combat international terrorism in all its forms. Ecuador had submitted its supplementary report pursuant to Security Council resolution 1373 (2001) and had made every effort to comply with international norms regarding the prevention and suppression of terrorism. Accordingly, it had developed a broad strategy involving the adoption of legislative, administrative, policing and other measures, and had taken the necessary steps in relation to the consolidated list prepared by the Committee established pursuant to Security Council resolution 1267 (1999).

6. Respect for human rights and the promotion of tolerance and dialogue among civilizations were essential to the fight against terrorism, and his delegation stressed the importance of ascertaining that human rights and fundamental freedoms were not restricted by that fight. Military and political action alone were not enough. Prevention was as important as suppression, and to that end a concerted, multilateral effort was needed to eliminate hunger, sickness, poverty and economic disparity, as well as other conditions that bred instability and insecurity and turned violence and terrorism into a way of life.

7. Negotiations on the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism had been mired for some time in semantic, conceptual deliberations. Meanwhile, men, women and children in all corners of the world remained victims of vile and unjustified terrorist acts. His delegation therefore urged all States to overcome their differences and bring the discussions to a positive conclusion so that the two instruments, which were

essential for strengthening counter-terrorism mechanisms, could come into force.

8. **Mr. Elmessallati** (Libyan Arab Jamahiriya) said that his country strongly condemned terrorism, which posed a threat to international peace and security, and stressed that State terrorism was one of its most dangerous forms. The Libyan Arab Jamahiriya was committed to resisting international terrorism, and had acceded to the 12 United Nations counter-terrorism conventions. It was also actively involved in the process of drafting the comprehensive convention on international terrorism. In that connection it was important to draw a distinction between terrorism and the right of peoples to struggle against foreign occupation. The efforts to complete the work on the draft convention, especially article 18 thereof, should be intensified.

9. His country had been one of the first to alert the international community to the dangers of international terrorism, even before the attacks of 11 September 2001. Furthermore, it had taken an important initiative regarding the voluntary non-proliferation of its nuclear programme. It renewed its call for the convening of a high-level conference on terrorism under the auspices of the United Nations, supported the draft international convention for the suppression of acts of nuclear terrorism, and emphasized the need to formulate a clear definition of terrorism. His country welcomed Saudi Arabia's offer to convene an international conference on terrorism in Riyad in February 2005, and supported the Tunisian proposal concerning a global code of conduct on counter-terrorism. It was essential to avoid linking terrorism with Islam, a religion which advocated tolerance, and to prevent terrorism from being associated with specific cultures. That was a matter that the international community must consider.

10. **Mr. Popkov** (Belarus) said that, despite the efforts of the international community over the past three years, it had been impossible to prevent many recent terrorist acts. To eradicate terrorism, a bold and untraditional approach was required, with the United Nations playing a central role. No action against terrorism could succeed in the absence of respect for the rule of law and the Charter of the United Nations. It was a pity that the General Assembly had left it to the Security Council to take the initiative on such issues. In his delegation's view, the main responsibility for determining global strategies and legal frameworks to combat terrorism should lie with the most representative organ of the Organization, namely the General Assembly. There should, however, be a close partnership between the General Assembly and the Security Council concerning every aspect of the suppression of terrorism, and especially the elimination of its root causes, such as prolonged armed conflict, extreme poverty, social and economic inequality, foreign occupation or ideological or religious extremism. The General Assembly and the Security Council could also consider further improvements to United Nations efforts to prevent and combat terrorism. One way to do so would be to establish a clear and transparent division of responsibilities among United Nations agencies, while the Security Council continued to focus on the task of reacting appropriately to threats to international peace and security in accordance with its mandate under the Charter.

11. The delay in reaching agreement on the draft comprehensive convention and the draft nuclear weapons convention reflected badly on the United Nations. There was no reason why at least the latter convention should not be adopted at the current session. Delegations should take the necessary steps to achieve that end.

12. Belarus was working to step up its counter-terrorist capacities, at the same time extending regional cooperation within the Commonwealth of Independent States and the Collective Security Treaty Organization. It also cooperated fully with the Counter-Terrorism Committee and the Committee set up under Security Council resolution 1540 (2004). In 2004, it had completed the process for becoming a party to the 12 anti-terrorism conventions and protocols. In view of its geographical location, it was particularly concerned about the criminal activity connected with terrorism, including illegal migration, illicit drug trafficking and other transnational crime. His Government was, therefore, developing its customs and border infrastructure and looked forward to further cooperation with neighbouring countries.

13. **Mr. Al-Baker** (Qatar) said that terrorism was no longer a local phenomenon that required local solutions. Consequently, there was a need to seek comprehensive solutions that took into account the global nature of terrorism. The approach of responding to violence with violence was futile, for it offered no solutions. The right approach would be to address the root causes of terrorism, taking into account its global nature, for it was not restricted to any particular

religious, cultural or national group. It was necessary to formulate a comprehensive definition of terrorism, distinguishing it from State terrorism and acknowledging the legitimacy of resisting occupation, and the right of peoples to self-determination as established in the Charter of the United Nations.

14. The Qatari Criminal Code criminalized and penalized terrorist activities, and Qatar had passed several laws dealing with terrorism, the most recent being Act No. 3 of 2004 on combating terrorism. Qatar had also acceded to several regional and international counter-terrorism conventions. Lastly, Qatar called upon the international community to cooperate in drafting the comprehensive convention on international terrorism, and supported the convening of an international conference on terrorism to be held under the auspices of the United Nations.

15. **Ms. Moore** (United States of America) observed that strong United Nations resolutions and statements from the floor were meaningful only when followed up with effective action. All States and organizations must review their contribution to the fight against terrorism and see where they could do more. Only through the collaborative efforts of all Member States and all other international bodies committed to combating terrorism would the fight be won.

16. More concerted action was needed. Despite repeated calls by the General Assembly and the Security Council, only 57 States were parties to all 12 conventions on international terrorism and 47 were parties to six or less. Her delegation encouraged States to take advantage of the technical assistance offered by the Counter-Terrorism Committee and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to enable them to become parties to the remaining instruments. Security Council resolution 1566 (2004) called upon all States, as a matter of urgency, to become parties to the relevant conventions and protocols, even States not parties to regional conventions.

17. While some States had taken steps to enhance their counter-terrorism infrastructure, many still lacked adequate domestic legislation, including in the areas of banking, charitable organizations or the monitoring of borders. All States had submitted a report to the Counter-Terrorism Committee, but 79 had missed the deadline for submission of the follow-up report. Many regional organizations still had no counter-terrorism action plans or monitoring committees for such plans in their regions.

18. The United States was pleased to see that the revitalization of the Counter-Terrorism Committee was nearing its final stage. The Executive Directorate must be operational as soon as possible and begin conducting its visits to States to discuss the implementation of Security Council resolution 1373 (2001). It should focus its efforts on States having difficulties in implementing that resolution. An effective Executive Directorate would ensure that the United Nations continued to play a central role in the global campaign against terrorism.

19. Stopping the movement of terrorists across borders was a pressing issue that had not received the attention it deserved. Pursuant to resolution 1373 (2001) States were required to impose controls to prevent such movement, including border controls and controls on the issuance of identity papers and travel documents and, pursuant to Security Council resolution 1526 (2004), they were required to impose a travel ban on all individuals and entities on the consolidated list prepared by the Committee established pursuant to resolution 1267 (1999). More work must be undertaken to strengthen border controls and improve the security of travel documents, and the Security Council Committees must devote more attention to those issues.

20. All 55 members of the Organization for Security and Cooperation in Europe had agreed to adopt and implement international standards on passport issuance and security adopted by the International Civil Aviation Organization (ICAO). The United States urged other regional organizations to endorse the ICAO standards. That organization had issued specifications for biometric passports, and more than 25 countries were working to issue such passports within the next 12 or 18 months.

21. **Mr. Jia Guide** (China) said that his Government had always opposed the use of terrorist activities as a means of achieving political objectives. It also opposed all acts of terrorism by any country, organization, group or individual in contravention of international law. At the same time, the fight against international terrorism must observe the purposes and principles of the Charter of the United Nations and other recognized rules of international law, eschew double standards and deal with both the symptoms and the root causes of

terrorism. His delegation supported a leading role for the United Nations in that endeavour.

22. The effective suppression of terrorism, which was becoming more prevalent required international cooperation, including the formulation of international conventions. China was a party to 10 of the 12 existing anti-terrorism conventions and had signed the International Convention for the Suppression of the Financing of Terrorism, which, it was to be hoped, would be speedily ratified. As for the elaboration of the two draft conventions currently in progress, his delegation noted that parties from all sides had shown willingness to finalize the text of both at an early date. His delegation hoped that solutions to all outstanding issues could soon be found.

23. **Mr. Hannesson** (Iceland), said that his delegation aligned itself with the statement made on behalf of the European Union. It believed that no individual or group could justify the depths of depravity demonstrated by, for example, the recent massacre by terrorists of schoolchildren in Beslan. Such people could not credibly claim to be fighting oppression or to be building a just society. Any grievance that they might have paled into insignificance by comparison with the hideousness of the means they employed. States, together with regional and international organizations, must cooperate to eliminate terrorism, and in that task the United Nations must play an ever-increasing role. His delegation would therefore continue to work with the Counter-Terrorism Committee and its Executive Directorate and with the Sanctions Committee. In the First Committee, it had consistently supported measures to prevent terrorist groups from obtaining weapons of mass destruction. In the Third Committee, it had repeatedly voiced the view that, in the fight against terrorism, international agreements on human rights and humanitarian law must be upheld.

24. It was to be hoped that, in the Sixth Committee, the time-consuming elaboration of the comprehensive convention and the nuclear terrorism convention would shortly reach its conclusion. Both draft conventions would be an important addition to the international legal framework to eliminate terrorism. The definition of terrorism contained in Security Council resolution 1566 (2004) should be helpful in that connection.

25. Iceland had ratified, and actively implemented, the 12 conventions and protocols on terrorism, as well as the European Convention on the Suppression of Terrorism. States that had not yet ratified the international conventions should do so as soon as possible. Its Government was also in the process of reorganizing and strengthening its Special Police Unit, which would deal with acts of terrorism.

26. **Mr. Medrek** (Morocco) said that his country, which on 16 May 2003 had suffered terrorist attacks of unprecedented ferocity, had taken measures to strengthen its national legislation. A law on combating terrorism had been adopted on 28 May 2003 and a law on money-laundering would be adopted shortly.

27. Terrorists, wherever they struck, were of the same stripe all over the world. The only possible response, therefore, was concerted action by the international community and full cooperation between States. Individual actions by States, however valuable, were inadequate. His Government had consequently decided to extend its action at the national level to the regional level, involving European and African partners and the countries of the Middle East, especially those of the Gulf Cooperation Council. The pillars of the region's policy were global security and respect for the rule of law and human values, based on international cooperation on mutual legal assistance and extradition and the ratification of international legal instruments.

28. Morocco had taken action to incorporate the positions contained in the relevant Security Council resolutions, especially resolutions 1267 (1999) and 1373 (2001). It also stood ready to become a party to a comprehensive convention against terrorism. It therefore deplored the lack of sufficient political will to reach a compromise on the text. The draft convention was an excellent document, which would provide added value to the existing sectoral conventions by preserving their "acquis". To ensure that added value, however, it would be essential to clarify the relationship between the draft comprehensive convention and the existing conventions. It was also necessary, although difficult, to continue the search for a comprehensive definition of international terrorism. The inability to do so reflected the contradictions within the international community. As for the Russian proposal for the text of the draft convention on the suppression of acts of nuclear terrorism, it was deplorable that no progress had been made. Delegations should overcome their differences and show good will to complete the draft.

29. His delegation would be in favour of convening a high-level conference as a common response by the international community to terrorism in all its forms. It also supported the initiative by Tunisia calling for the elaboration under United Nations auspices of a global and consensual code of conduct for the struggle against terrorism.

30. **Mr. Arrad** (Bahrain) said that his country strongly condemned terrorism, which it regarded as a major impediment to social and economic development. However, a distinction should be drawn between terrorism and the right of peoples to struggle to achieve self-determination. Furthermore, terrorism should not be linked to any particular religion or culture.

31. Bahrain was committed to resisting terrorism, and had acceded to numerous regional and international counter-terrorism conventions. Most recently, Bahrain, together with other member States of the Gulf Cooperation Council, had signed a special convention on combating terrorism. In addition, Bahrain had acceded to the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. With regard to Security Council resolution 1373 (2001), Bahrain had passed Act No. 4 of 2001 on combating money-laundering, and Act No. 21 of 1989 on associations and social clubs for 1989, which regulated the financial activities of such entities. In addition, Bahrain's Criminal Code of 1976 included numerous articles criminalizing terrorist acts.

32. Bahrain had submitted its first report to the Counter-Terrorism Committee in December 2001, and its second report in February 2004. It had also submitted its report to the Al-Qaida and Taliban Sanctions Committee. Bahrain would cooperate fully with the Analytical Support and Sanctions Monitoring Team established by the latter Committee, and with the Counter-Terrorism Committee Executive Directorate. The efforts of the international community to combat terrorism should be intensified.

33. **Mr. Noghès** (Monaco) said that when criminals deliberately targeted children, as they had done in the Russian town of Beslan, States had no alternative but to strengthen their cooperation, show solidarity and act with determination against the scourge of terrorism. It appeared, however, that accession to the international conventions relating to terrorism was not yet universal. In particular, a large number of States were not parties to the International Convention for the Suppression of Terrorist Bombings or the International Convention for the Suppression of the Financing of Terrorism. Monaco had ratified all 12 conventions relating to international terrorism and hoped that the draft international convention on the suppression of acts of nuclear terrorism would be adopted at the current session. It also supported the adoption of a comprehensive convention on international terrorism.

34. Above all, cooperation was the key. In that context, the establishment of the Counter-Terrorism Committee Executive Directorate was to be welcomed, as were the activities of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, a report on which had been submitted to the Third Committee. A report on the coordination between the various actors would help to ensure that resources went where they were needed, and, above all, to technical assistance to States. In that regard, the extremely pertinent proposal by the representative of Costa Rica (A/59/383-S/2004/758) deserved careful consideration.

35. **Ms. Holguin Cuellar** (Colombia) endorsed the statement made by Brazil and said that terrorism was the worst threat not only to peace and security throughout the world, but also to the values and principles underpinning the democratic freedoms protected by the Charter of the United Nations. For that reason, developing effective mechanisms to fight that scourge was one of the most serious challenges facing the Organization. Although there was no justification whatsoever for terrorism, 2004 had seen an upsurge in dreadful deeds which, since they had caused the death of civilians and even children, constituted a flagrant violation of the most fundamental human rights, especially the right to life. The dire consequences of such events highlighted the vulnerability of States to terrorism.

36. Her Government utterly rejected terrorism and therefore supported initiatives to secure global and regional cooperation to prevent, combat and eliminate terrorism and its funding. It was essential to step up cooperation with, and assistance to, the international, regional and subregional organizations which formed a bulwark against terrorism. That was why her country had ratified the majority of the international counter-terrorism conventions. Any definition of terrorism

should focus on the aspect which set it apart from other crimes, namely its purpose, which was to subject the population to terror as a means of forcing a Government or organization to adopt a particular line of action. The links between terrorism and drug trafficking, the illegal arms trade and money-laundering, all of which were means of obtaining money to finance terrorist activities, made the latter even more ominous and heightened the need for the international community to overcome its differences in order to produce an international legal framework making it possible to curb all forms of terrorism through united action.

37. Her Government's successful response to the illegal armed groups which had tried to destabilize democracy in her country by targeting civilians had been predicated on the international agreements it had signed and had been motivated by a desire to uphold the rule of law. Yet outside forces still supported the men of violence. She therefore called on the international community and the United Nations to supply her country with more information that would help it to prevent and stamp out terrorism.

38. Her Government supported the work of the Ad Hoc Committee established by General Assembly resolution 51/210. It was vital that political objections should be overcome in order that that committee could soon approve the texts of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism, so that they could be presented in the Sixth Committee.

39. **Mr. Lenk** (Israel) said that while all the years of discussion and debate were commendable, since counter-terrorism must be at the top of the international community's agenda, he wondered what there was to debate. Could any fair-thinking citizen of the planet really condone terrorism? Undoubtedly the good will and positive intentions of the members of the Sixth Committee would ultimately lead to agreement and the condemnation of terrorism everywhere, yet it was necessary to consider what conclusions terrorist organizations around the globe might draw from the length of time respected diplomats had spent quibbling over articles, clauses and words, thereby raising doubts whether some heinous acts might sometimes, somehow, be in order.

40. Every terrorist saw himself as a freedom fighter and wanted to achieve some sort of political end through the random murder of civilians, on the pretext that such action was defensible in the circumstances. But everyone knew they were wrong, even those who continued to speak of "root causes" while sending messages of sympathy to the innocent victims of terrorist attacks perpetrated through deceit and disrespect for religious buildings. Such acts were crimes against all humanity and must not only be condemned, but actively challenged and fought by joint action and political will. Strong and unequivocal legal documents should be part of that effort.

41. Recently, a small minority of States had cynically stifled progress on the draft conventions under consideration. Consensus, while truly worthy, was not a panacea. The positions of the Member States of the Organization of the Islamic Conference were untenable and at odds with the thinking of ordinary people all over the world. It was, however, possible to find a way forward on both conventions that preserved and respected the memory of the victims of international terror.

42. Some quarters wished to deny that the clear words contained in Security Council resolutions 1373 (2001) and 1566 (2004) actually applied when the spectre of international terrorism raised its head. Some opined that there was not even a "war" at all. His country recognized the challenge in whatever shape it came: arms shipments, the hosting of terrorist organization offices or the recruiting of foreign nationals to carry out crimes. The web of international terror had a massive daily impact on the lives of Israel's citizens and of millions of innocent men, women and children around the world. For his Government, the fight against terrorism had been a total war and not an ad hoc response to a localized event, since the first responsibility of a Government was to protect its citizens within the framework of international law.

43. There was plenty of common action that States could take to fill the gaps in their counter-terrorism programmes, because the development of joint law enforcement instruments could be used as tools in the fight against terrorism. The Sixth Committee's role was to enact strong documents so as to ensure that it was not guilty of betraying those who had died as a result of acts of international terrorism.

44. **Mr. Goonetilleke** (Sri Lanka) said that the world had experienced the unabated spread of terrorism for many years. The emergence of non-State actors threatening the safety of sovereign nations was a serious challenge to international peace and security which was assuming an increasingly lethal character owing to the indiscriminate targeting of civilians and children. His Government unequivocally condemned terrorism in all its forms and manifestations. All nations should act in unison to strengthen international cooperation in order to eliminate terrorism. Although there was no justification for the latter, it was also necessary to redouble efforts to address unresolved political and socio-economic issues and to find solutions to problems that encouraged recourse to terrorism. The United Nations, given its commitment to maintaining the rule of law and its efforts over the years to fight terrorism, should provide the requisite synergies through collective action to eradicate that scourge.

45. Since his Government was committed to combating terrorism, it had signed 10 of the 12 international conventions on the subject, had honoured its obligations under Security Council resolution 1373 (2001) and was currently finalizing measures to deal with money-laundering. It had been closely engaged in regional efforts to suppress terrorism within the framework of legal instruments adopted by the South Asian Association for Regional Cooperation and had pledged its unstinting support for the work of the Ad Hoc Committee established by General Assembly resolution 51/210. It therefore welcomed the flexibility shown by Member States in seeking a compromise solution to the outstanding issues that hindered progress on the two draft conventions under consideration. While divergent positions had to be taken into account when negotiating multilateral instruments involving highly sensitive political issues, those differences could be surmounted by a spirit of compromise. The completion of the two conventions was a matter of urgency. Delegations which still had reservations about article 4 of the draft international convention on nuclear terrorism should endeavour to bridge the divide so that the text could be submitted for adoption by the General Assembly as soon as possible. So much time had been invested in the two draft conventions that the process could not be allowed to fail.

46. *Mr. Diaz Paniagua (Costa Rica), Vice-Chairman, took the Chair.*

47. **Mr. Saranga** (Mozambique), having welcomed the international community's determination to combat terrorism, as demonstrated by its active cooperation with the Counter-Terrorism Committee, said that defeating terrorism, irrespective of its origin and root causes, was the common responsibility of all Governments. Multilateral action was the most appropriate way of tackling the problem and the United Nations should therefore continue to be the core forum for decision-making in that area. For the global battle against terrorism to succeed, the international community would have to provide countries in need, especially developing countries, with the requisite financial and material support so that they could fully and effectively join in that battle, which must nevertheless be conducted within the framework of full respect for the rule of law, international law and human rights.

48. In compliance with Security Council resolution 1373 (2001), his Government had already submitted two reports on the domestic measures it had taken to eliminate international terrorism and it had acceded to most of the international treaties on the subject. It would continue to play an active role in efforts to finalize the two conventions under examination, since further delay in their adoption would be detrimental to world peace and security and to sustainable development. Multilateralism remained the key to finding a solution to the problem of terrorism in all its forms and manifestations.

49. **Ms. Ramos Rodriguez** (Cuba) said that her delegation condemned all terrorist acts, methods and practices regardless of their motivation. The Declaration on Measures to Eliminate International Terrorism was still a valid basis for the struggle against the scourge of terrorism and should therefore be universally applied. Her Government had never, nor would it ever, allow its national territory to be used for planning, financing or carrying out terrorist acts against any other State. Consequently, it totally rejected the use of the struggle against terrorism as a pretext to justify interference in other States' domestic affairs and the undermining of their national sovereignty.

50. In its efforts to defeat terrorism the whole international community must comply with the Charter

of the United Nations. At the same time, it was imperative to adopt forthwith a general convention on international terrorism which filled the gaps in existing United Nations instruments and which contained a precise and all-embracing definition of the crime of terrorism. Since the activities of States' armed forces were not regulated by international humanitarian law, they should not be excluded from the purview of such a convention. On the other hand, the latter should distinguish clearly between terrorism and the legitimate struggle of peoples for independence and self-determination. The manipulation by some States of the inherent right to self-defence in order to commit acts of State terrorism and to justify aggression and interference in the internal affairs of other States was inadmissible.

51. For many years, her country had been subjected to numerous terrorist attacks which had killed thousands of people and caused tremendous economic damage. Those acts had been financed and organized with impunity from the territory of the United States of America and deserved to be repudiated by the international community. The tightening of the economic blockade against her country was also designed to succour the powerful group of terrorists living in Florida, whereas five people who had tried to obtain information about the dealings of such groups had been unjustly sentenced by a court in Miami. Similarly, a former president of Panama had pardoned four terrorists of Cuban origin who had been found guilty of plotting to assassinate President Castro.

52. The risk that terrorists might obtain weapons of mass destruction was a matter of concern and so her Government fully supported all legitimate international efforts to prevent them from doing so. The only way to guarantee that that did not happen was to prohibit and totally eliminate such arms, since their mere existence jeopardized international peace and security. It was therefore to be hoped that work would soon be completed on the two draft conventions under consideration, so that everything could be done to end the world of international terrorism.

53. **Mr. Ayoob** (Afghanistan) said that his delegation wished to align itself with the statement made by Turkey at the seventh meeting of the Committee on behalf of the Organization of the Islamic Conference. It appreciated the hard work done by the Ad Hoc Committee in negotiating the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. As the Security Council had urged in its recent resolution 1566 (2004), all Member States should cooperate fully on an expedited basis in order to pave the way for adoption of those two conventions by consensus. Their adoption would demonstrate that the international community was united and resolved in its efforts to eliminate terrorism. The Sixth Committee should also keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

54. Afghanistan acknowledged the central role of the United Nations in mobilizing global action against the threat of international terrorism. It was a party to all 12 international instruments related to terrorism. It attached great importance to the full implementation of all Security Council resolutions on terrorism and had complied fully with its reporting requirements under Security Council resolutions 1373 (2001) and 1455 (2003). Article 7 of its new constitution, adopted in January 2004, stipulated that the State would abide by the Charter of the United Nations, international treaties, international conventions that Afghanistan had signed and the Universal Declaration of Human Rights. It also stipulated that the State would prevent all types of terrorist activities and the production and smuggling of narcotics.

55. Strong and sincere cooperation among the Governments in the region was also essential in combating terrorism. Afghanistan had attended the summit meeting held in Kazakhstan of the Conference on Interaction and Confidence-building Measures in Asia and had signed the Declaration on Eliminating Terrorism and Promoting Dialogue among Civilizations adopted at that meeting on 4 June 2002. It had concluded bilateral arrangements with neighbouring countries for the exchange of intelligence reports on terrorism and coordination of counter-terrorism activities. A tripartite commission composed of Afghanistan, Pakistan and the United States was working on initiatives aimed at enhancing regional stability in the areas of cross-border security, counter-terrorism and information-sharing.

56. In Afghanistan's experience, there was a direct connection between narcotics and terrorism. Drug profits financed terrorism and undermined efforts to build a healthy legal economy. The President had

issued decrees banning the cultivation, production, abuse and trafficking of drugs, and the Government had adopted a national drug control strategy. Since both drugs and terrorism were global challenges, Afghanistan could not succeed without the technical and financial support and partnership of the international community. It commended the United Nations Office on Drugs and Crime and in particular its Terrorism Prevention Branch for effectively playing an important role in global action against drugs and terrorism.

57. The international community must also be alert to the linkage between terrorism and the acquisition of weapons of mass destruction by non-State actors. His delegation welcomed the decision of the Security Council to combat the threat, as expressed in its resolution 1540 (2004). Afghanistan was a party to the key international instruments against the proliferation of nuclear, chemical and biological weapons.

58. While the achievements of the people of Afghanistan in implementing the Bonn Agreement were significant, many challenges remained, not least owing to the remnants of the Al-Qaida and Taliban organizations and other extremist and fanatic factions. As long as terrorism continued to exist in Afghanistan, neither the country, nor its neighbours, nor indeed the rest of the world could be safe. To defeat the terrorists and their extremist and fanatic ideologies, Afghanistan required not only the continued support of the international community but also the strong commitment of other countries in the region to stop the movement of terrorists across borders.

59. **Mr. Stagno Ugarte** (Costa Rica) said that his delegation fully concurred with the statement made under the current agenda item by Brazil on behalf of a group of Latin American countries. Costa Rica wished to reiterate its categorical condemnation of terrorism, which no motivation could justify. The most effective way to combat terrorism was through broader and more effective judicial and police cooperation, and it was the responsibility of the international community to design legal and practical mechanisms to facilitate such cooperation.

60. In its work of codifying new legal instruments to prevent and suppress terrorist acts, the General Assembly was nearing completion of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. The remaining differences were political rather than technical, and a final effort should be made with a view to adopting those conventions during the current session of the General Assembly so as to put counter-terrorism on a sounder legal footing. The quasi-legislative efforts of bodies with a limited representation could not have the same legitimacy as codification by the fully representative General Assembly. Moreover, the legal instruments adopted by the General Assembly struck a better balance between the different principles governing the international community. The two draft conventions under consideration incorporated important guarantees of respect for due process, human rights, international law relating to refugees and the principle of non-refoulement.

61. Moreover, the fight against international terrorism should be guided by a coherent strategy that focused not only on punishment of the perpetrators but also on long-term prevention by addressing the underlying causes. So far, the counter-terrorism efforts of the United Nations had been vitiated by the lack of a comprehensive vision, each body and department responding in its own separate way to the challenge with short-term, improvised, temporary measures, with the inevitable gaps and overlaps. The fight against terrorism should become a permanent and regular activity of the United Nations, and the General Assembly should take back the initiative for establishing policy. His delegation was convinced that the only way to improve the effectiveness of United Nations efforts against international terrorism was to assign the task to an independent, professional and permanent body under a United Nations high commissioner on terrorism in charge of suggesting and implementing a coherent strategy and providing technical assistance to Member States. Ideally, the new body should become operational prior to 31 December 2007, when the mandate of the Counter-Terrorism Committee Executive Directorate was due to expire. In the meantime, the General Assembly should undertake an in-depth study of all the various United Nations mandates and bodies concerned with counter-terrorism with a view to eliminating duplication, pooling resources and centralizing decision-making. His delegation would like the Committee's resolution on international terrorism to include a mandate to initiate the review process during the sixtieth session of the General Assembly.

62. **Mr. Mwandembwa** (United Republic of Tanzania) said that during the past year terrorist attacks throughout the world seemed to have increased in frequency and sophistication, a trend that should concern all States Members of the United Nations. The war against terrorism could be fought most effectively through the Organization. The first step was for all Member States to become parties to the 12 international conventions against terrorism and to implement all their provisions. The next obligation was to complete the work on the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. What remained to be done was not extensive, and yet little progress had been made since the previous year. However, his delegation had been encouraged by the promises of various delegations that they were willing to explore new ideas to break the stalemate. His delegation was also in favour of keeping on the agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response to terrorism.

63. Remembering the attack in Dar es Salaam in 1998 that had killed and wounded innocent Tanzanians, his country was unflinching in its resolve to cooperate with others in combating terrorism in all its forms. The United Republic of Tanzania had ratified eight of the international conventions against terrorism and was in the process of considering the remaining four. At the regional level, his country had recently attended the meeting of members of the African Union in Algiers to launch the African Centre for Study and Research on Terrorism, which was intended to centralize information and develop training programmes.

64. **Mr. Zaki** (Pakistan) said that his delegation was encouraged by the renewed impetus in the negotiations concerning the two draft conventions. It shared the view that the central role of the General Assembly in the elaboration of counter-terrorism instruments must be stressed, even though other principal United Nations organs were seized of questions concerning terrorism.

65. Pakistan remained concerned about the increase in terrorist acts throughout the world; the recent attacks in Pakistan and elsewhere were a reminder to Member States of their collective vulnerability. All forms of terrorism should be condemned, including State terrorism, and Pakistan was proud to be in the forefront of counter-terrorism efforts. It had ratified 11 of the 12 conventions on international terrorism and was strengthening its mechanisms to combat the financing of terrorism. It had banned a number of extremist organizations, and the actions of others were being closely monitored. Recently Pakistan had launched large-scale operations against terrorists, extremists and other criminals in the tribal regions along the border with Afghanistan. As a result, a number of terrorists had been arrested, including approximately 600 Al-Qaida operatives. Pakistan was contributing actively to the work of the Committees established pursuant to Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004), respectively.

66. The struggle against terrorism would fail without a comprehensive strategy. The international community must uphold the international rule of law and redouble its efforts to resolve long-standing disputes. It should focus its efforts on addressing the root causes of extremism and terrorism. Several General Assembly resolutions adopted between 1972 and 1989, including resolutions 3034 (XXVII) and 44/29, reflected such a point of view. In addition, the Assembly had taken a bold stand against State terrorism in resolution 39/159, stressing the inadmissibility of the policy of State terrorism and reaffirming the right of peoples to self-determination.

67. That vision had become blurred, especially since the tragedy of 11 September 2001, yet the root causes of terrorism could not be ignored. Any comprehensive definition of terrorism would need to include State terrorism and distinguish terrorism from the right to self-determination. Such a definition would lend legal clarity to the common struggle against terrorism, and efforts must be made to reach one consensually.

68. At the tenth session of the Islamic Summit Conference, the President of Pakistan had proposed the two-pronged strategy of "enlightened moderation" to overcome terrorism and prevent a clash of civilizations. It involved internal socio-economic reform in the Muslim world and active support from the major Powers to ensure political justice and socio-economic revival for all Islamic peoples. Also, in his address to the General Assembly, the President had called upon the major Western Powers to make serious efforts to resolve internationally recognized disputes affecting the Muslim world.

69. **Mr. Tajima** (Japan) said that terrorism in any form or for any motive could never be condoned. The prevention and eradication of terrorism were tasks

which the United Nations and its Member States must address as one. Combating cross-border terrorism required cooperative international efforts so that no safe haven would remain for terrorists. Japan was a party to all 12 counter-terrorism conventions and protocols and was encouraging others to do the same. His Government had held a seminar in October 2003 for officials from Asian countries to encourage accession to international instruments related to terrorism and would hold a similar seminar in December 2004.

70. However, in view of the wide variety of terrorist acts being committed, new international legal frameworks were required. His Government was in favour of the early adoption of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. Although consensus on the remaining issues would not be easy to achieve, discussion should continue with flexibility and a cooperative spirit.

71. **Mr. Hafrad** (Algeria) said that the international legal instruments and resolutions on terrorism adopted by the General Assembly and the Security Council, including the most recent, Security Council resolution 1566 (2004), unambiguously expressed the determination of the international community to spare no effort to eradicate terrorism. The United Nations was the natural framework for multilateral efforts against terrorism and lent legitimacy to the struggle. Addressing the underlying causes, including long-standing regional conflicts, would contribute to the success of efforts to combat terrorism. In order for the struggle against terrorism to be seen as legitimate, it was important to eschew reductionist thinking that categorized a particular religion, culture or civilization as a hotbed of extremist ideologies. Moreover, terrorism should not be confused with the legitimate struggle of peoples, including armed struggle, against colonial or foreign occupation.

72. Another essential element for successful concerted action was enhanced support to States with limited capacity to combat terrorism. Experience had shown that terrorist networks often took advantage of the weak capacity of such countries to set up training and base camps and to prepare for their attacks. Legal and technical assistance to such States would enable them to develop the administrative machinery to participate in mutual legal assistance and information-sharing. The Counter-Terrorism Committee had played a major role in helping Member States to adapt their legislation to the requirements of Security Council resolution 1373 (2001). While continuing with that task, the Counter-Terrorism Committee, through its new Executive Directorate, should also make visits to selected States, with their consent, to monitor implementation of the relevant resolutions.

73. In recent years terrorist networks had increasingly become free-floating, not rooted in any particular country, so that operational cooperation had become more critical. Since multilateral mechanisms were so far inadequate for that purpose, bilateral cooperation in information-sharing remained the major tool. Harmonization of counter-terrorism systems and the creation of synergies between the judicial and intelligence structures could enhance effectiveness in combating terrorism. The proposals put forward by his delegation to the Sixth Committee at the fifty-eighth session of the General Assembly concerning the granting of asylum, the creation of a database on individuals and entities regarded as terrorist, the responsibility of financial institutions to monitor capital movements suspected of being linked to terrorist acts and the provision on an emergency basis of monitoring, surveillance and detection equipment at borders, among others, remained valid. It was pleased to note that some of its concerns had been taken up in Security Council resolution 1566 (2004), notably the principle of "extradite or prosecute".

74. The aim of that resolution was not to define terrorism; that was a legislative function within the competence of the General Assembly, one which it should be free to accomplish without the interference of any other United Nations organ. It was in that light that his delegation interpreted paragraph 5 of resolution 1566 (2004), which called upon Member States to cooperate fully on an expedited basis in resolving all outstanding issues with a view to adopting by consensus the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. Unfortunately, the efforts of the Working Group of the Sixth Committee in that regard still had not succeeded in eliminating a few important differences. Recent events and the ideas put forward by some parties concerning the treatment of conflict situations argued for the need to define clearly the scope of application of the draft comprehensive

convention on international terrorism. The legitimate struggle of peoples for liberation, including armed struggle, was embodied in international law, and must be distinguished clearly from terrorism. The international legal framework against terrorism would gain greatly from the addition of an instrument covering all aspects of the struggle against terrorism, provided it fulfilled the criteria he had mentioned.

75. Progress in combating terrorism had been made at the regional level. The Organization of African Unity Convention on the Prevention and Combating of Terrorism, adopted at Algiers in 1999, had entered into force in 2002 and had been strengthened by the adoption of a plan of action by the African Union. On 13 and 14 October 2004, the African Union had held a second high-level intergovernmental meeting on the prevention and combating of terrorism in Africa to follow up on implementation of the plan of action. At that meeting a declaration had been adopted reaffirming the need to define terrorism and to distinguish it from the legitimate struggle of peoples for liberation, self-determination, freedom and independence, as recognized in international law, as an essential element in an international consensus on terrorism. The African Union declaration also stressed the importance of an international conference to elaborate a code of conduct against terrorism at the international level. On the same occasion, the African Centre for Study and Research on Terrorism with headquarters in Algiers had been officially inaugurated. His country had participated actively in similar regional efforts against terrorism through the League of Arab States and the Conference of the Islamic Organization.

*The meeting rose at 1.15 p.m.*